

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/770185
Applicant : Lawrence
Filing date : January 29, 2001
FC/A.U. : 3724
Examiner : Flores Sanchez
Docket No. : 4969
Customer No. : 26936

Stephen Marcus
Special Program Examiner
Group 3700
1/28/04

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

WITHDRAWAL OF APPEAL

Sir:

Applicant hereby withdraws the appeal of claims 1 and 3 of this application.



Charles W. Fallow
Reg. No. 28,946

Shoemaker and Mattare, Ltd.
2001 Jefferson Davis Highway
Arlington, VA 22202

(703) 415-0810

November 24, 2003

11/ Withdrawal
of
Appeal
B
(N.E.)
2/1/04

Duplicate accepted
Mail date = November 24, 2003
(Monday)

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AMENDMENT AFTER FINAL REJECTION

Sir:

Please amend the claims of this application as shown in the listing of claims which begins on page 2.

We are withdrawing our appeal of rejected claims 1 and 3, now canceled. Inasmuch as the above amendments leave only claims previously found allowable in this application, we believe that this application is in condition for allowance.

Respectfully,



Charles W. Fallow
Reg. No. 28,946

Shoemaker and Mattare, Ltd.
2001 Jefferson Davis Highway
Arlington, VA 22202

(703) 415-0810

November 24, 2003

Amendments to the Claims:

1. (canceled)
2. (previously amended) A mail opener for use with a postage meter having a print head which is movable between an operative printing position and a service position where printing cannot be effected, said mail opener comprising
a cutting device, the cutting device being movable between an operative position to open mail pieces and a retracted inoperative position in which the cutting device is maintained out of engagement with mail pieces, and
drive means for displacing the cutting device between said operative position and said retracted inoperative position, said drive means being operable by said postage meter to maintain said cutting device in said retracted inoperative position when the print head is printing postal indicia, and
means for moving the cutting device into the retracted inoperative position when the print head moves into the printing position.
3. (canceled)
4. (currently amended) A mail opener as claimed in claim 1, further comprising mechanical interlocking means operatively connected between the printing means and the cutting device.
5. (previously amended) A mail opener as claimed in claim 4 wherein
the cutting device is carried by a movable member;
the interlocking means comprises a cam with which the movable member engages; and
operation of the cam causes movement of the cutting device between the operating position and the retracted inoperative position.

6. (currently amended) A mail opener as claimed in claim + 2, wherein the cutting device is a rotatably driven rotary blade.
7. (currently amended) A mail opener as claimed in claim + 2, further comprising driven feed means operative to draw the mail pieces past the cutting device.
8. (previously amended) A mail opener as claimed in claim 7, wherein the feed means comprises a driven feed roller and a pressure roller co-operating therewith.
9. (previously amended) A mail opener as claimed in claim 7, further comprising means for adjusting the speed of the driven feed means.
10. (previously amended) A mail opener as claimed in claim 2, wherein the drive means includes an electrical circuit responsive to movement of the print head carrier to operate the drive means to locate the cutting device in the retracted inoperative position in response to the print head carrier moving to the operative printing position.
11. (previously amended) A mail opener as claimed in claim 10, wherein
the postage meter includes radiation means for radiating a signal in response to the print head carrier moving to the operative printing position and
the electrical circuit is responsive to the radiated signal.

cwf

STAMP OF THE PATENT OFFICE AFFIXED HEREIN
WILL BE ACCEPTED AS EVIDENCE OF RECEIPT OF
THE FOLLOWING:

PETITION FOR EXTENSION OF TIME (3 MONTHS);
AMENDMENT AFTER FINAL REJECTION; AND A CHECK
IN THE AMOUNT OF \$950; ~~WITHDRAWAL OF APPEAL~~

S&M Check No. 42760

Inventor: Lawrence
Serial No. 09/770185
Filed: January 29, 2001
For: Mail Opener Apparatus



Docket No. 4969

42760

NET AMOUNT
950.00

DISCOUNT
.00

AMOUNT
950.00

SHOEMAKER AND MATTARE LTD.

INVOICE NO COMMENT
EXT. LAWRENCE
DATE 11/24/03 04969

950.00

CHK TOTAL:

COMMISSIONER OF PATENTS & TM'S

CHECK: 042760 11/24/03
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Serial No. 09/770185

Applicant Lawrence

Filing date January 29, 2001

TC/A.U. 3724

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Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RETRANSMITTAL OF AMENDMENT FILED NOVEMBER 24, 2003

Sir:

The amendment we filed November 24, 2003, the petition for extension of time, and our receipt card identifying the items filed, follow. We understand these papers never reached the examining group.

A notice of appeal was filed June 23, 2003, which makes the end of the extension period for filing applicant's brief today. We therefore request that the examiner expedite treatment of this case so that abandonment will not result.

Charles W. Fallow
Reg. No. 28946

Shoemaker and Mattare, Ltd.
P.O. Box 2286
Arlington, Virginia 22206

(703) 415-0810

January 23, 2004

I certify that this paper is being transmitted
by facsimile today to the examiner at
(703) 746-3290.

Charles Fallow